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### **REMARKS**

Entry of this Amendment is proposed because it does not raise any new issues requiring further search, narrows the issues on appeal and does not require further search by the Examiner.

Claims 1-14, 16, 17, and 19-24 are all the claims presently pending in the application.

Claims 6 and 10 are amended merely to correct a minor punctuation error in each claim and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability.

Claims 1-14, 16, 17, and 19-24 stand rejected on prior art grounds. Claims 1-7, 11-14, 16, 17, and 19-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Freedman (U.S. Patent No. 4,839,829) in view of Hartman, et al. (U.S. Patent No. 5,960,411). Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Freedman in view of Hartman and further in view of Greulich, et al. (U.S. Patent No. 6,018,338).

These rejections are respectfully traversed in the following discussion.

#### **I. THE CLAIMED INVENTION**

The claimed invention is directed to an image ordering system and a method of an image ordering system.

An illustrative, non-limiting embodiment of an image ordering system as defined by independent claim 1, includes a center server, a first client computer for an orderer, and a plurality of second client computers for a laboratory that are capable of communicating data with one another. The first client computer includes an input unit for inputting data that specifies an image to be printed and a first transmitting unit for transmitting, to the center server, the image specifying data that is input from the input unit and data specifying the orderer.

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The center server includes a memory for storing correspondence data in advance, the correspondence data representing which of the plurality of second client computers is affiliated with the first client computer of the orderer, a first receiving unit for receiving the image specifying data and the orderer specifying data transmitted from the first transmitting unit of the first client computer, a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by the first receiving unit, and a second transmitting unit for transmitting the image specifying data and the orderer specifying data, which has been received by the first receiving unit, to one of the plurality of second client computers that has been determined by the determination unit to be affiliated with the orderer specified by the orderer data received by said receiving unit. Also, at least one of the plurality of second client computers includes a second receiving unit for receiving the image specifying data and the orderer specifying data transmitted from the second transmitting unit of the center server and a first alerting unit for giving notice of information regarding an image specified by the image specifying data and of an orderer represented by the orderer specifying data, which items of data have been received by the second receiving unit.

Independent claims 14, 16, 17, 19, and 22 recite somewhat similar features as independent claim 1.

The claimed invention, as defined by independent claims 1, 14, 16, 17, 19, and 22 is capable of determining, on the basis of correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data.

Thus, the claimed invention can transmit the image specifying data and the orderer specifying data to an affiliated second client computer out of a plurality of second client computers.

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In other words, when there are a plurality of second client computers, the correspondence data can be transmitted accurately from the center server to an affiliated one of the plurality of second client computers, wherein an affiliated second client computer out of a plurality of second client computers is determined by the corresponding data transmitted from the first client computer (e.g., see specification at page 6, lines 2-13; and page 20, lines 1-16).

## II. THE PRIOR ART REJECTIONS

### A. Claims 1-7, 11-14, 16, 17, and 19-24:

Claims 1-7, 11-14, 16, 17, and 19-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Freedman in view of Hartman.

Applicant submits that there are elements of the claimed invention which would not have been disclosed or suggested by any combination of Freedman and Hartman, and therefore, respectfully traverses this rejection.

In the Response to Arguments, the Examiner alleges that this is "*piecemeal analysis of the Examiner's rejection*" and that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references (see Office Action at pages 2-3, numbered paragraph 2).

Applicant respectfully disagrees with the Examiner's position for several reasons.

Applicant respectfully submits that the previous Office Action specifically relied on Hartman for the teaching of "*a server with memory for retaining client order preferences for use in subsequent orders and a determining unit fulfilling orders based on the preference data*" in combination with Freedman to arrive at the claimed invention defined by dependent claim 2 (e.g., see Office Action dated December 24, 2003 at page 4, numbered paragraph 5, lines 9-12).

Thus, Applicant respectfully submits that the traversal arguments did not improperly attack the references individually, but instead, merely responded to the

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Examiner's ground of rejection by arguing that Hartman does not disclose or suggest the claimed features for which it was relied upon (i.e., Hartman does not make up for the deficiencies of Freedman), and therefore, that any combination of Freedman and Hartman would not (and could not) disclose or suggest all of the claim limitations (e.g., see M.P.E.P. § 2143.03).

To establish that the claimed invention would have been obvious from Freedman and Hartman, it must be established that the ordinarily skilled artisan would have been motivated to modify Freedman based on the teachings of Hartman to arrive at the claimed combination and also that such a modification of Freedman based on Hartman, in fact, would arrive at the novel and unobvious combination of elements as recited in the claims, and in as complete detail as recited in the claims.

For the Examiner's convenience, the arguments submitted in the Amendment under 37 C.F.R. § 1.111 filed on April 23, 2004 are incorporated herein by reference.

With respect to the present Office Action, in the Response to Arguments, the Examiner alleges that, nonetheless, the disputed features are "*clearly taught by*" Freedman, in Figures 1A and 1B.

For example, the Examiner argues that the reason for combining the teachings of Freedman and Hartman is "*to teach the limitation regarding 'storing correspondence in advance' for purposes of affiliating a first computer with a second computer*".

Thus, the Examiner alleges that it would have been obvious to modify Freedman in view of Hartman, since Freedman allegedly allows a user to specify image ordering parameters (e.g., see Freedman at Figure 2B) such as selecting a particular printing facility or equipment (e.g., see Freedman at column 10, lines 25-35).

Hence, the Examiner alleges that, by allowing the central server to retain this data (e.g., see Freedman at Abstract; Figure 2B; and column 5, lines 24-50 and column 8, line 21, to column 10, line 54), user orders can be processed more efficiently (e.g.,

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see Hartman at Abstract; Figures 1C reference numerals 3 and 4; and Figures 8A-8C; column 3, lines 58-66; column 4, lines 30-67; column 5, line 55 to column 6, line 21; and column 6, lines 45-52).

Also, in the text of the rejection of the present Office Action, the Examiner alleges that *Freedman discloses that the server transmits image specifying data and all other parameters and other information to the second client computer* (e.g., see Freedman at column 10, lines 27-35), and thus, that it would have been obvious for the server to send first client identity data and/or a replica of the receipt (e.g., specifying data, prices) sent to the first client computer (e.g., see column 10, lines 33-35) to facilitate the matching and resolution, in the case of discrepancies of orders (e.g., see Office Action at page 5).

Applicant again respectfully disagrees with the Examiner's position for several reasons.

Independent claim 1 recites, *inter alia*, a center server comprising:

a memory for storing correspondence data in advance, the correspondence data representing which of the plurality of second client computers is affiliated with the first client computer of the orderer;

a first receiving unit for receiving the image specifying data and the orderer specifying data transmitted from said first transmitting unit of said first client computer;

a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit; and

a second transmitting unit for transmitting the image specifying data and the orderer specifying data, which has been received by said first receiving unit, to one of said plurality of second client computers that has been determined by said determination unit to be affiliated with the orderer specified by the orderer data received by said first receiving unit; ... (emphasis added).

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In other words, in the claimed invention, a determination unit determines, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by the first receiving unit.

Applicant notes that the "correspondence data" represents which of the plurality of second client computers is (or are) affiliated with the first client computer of the orderer.

Thus, in the claimed invention, the correspondence data can be transmitted from the center server to an affiliated second client computer accurately (as opposed to a *non-affiliated* second client computer), even when there are a plurality of second client computers.

In comparison, Applicant submits that neither Freedman nor Hartman, either alone or in combination, discloses or suggests at least this feature of the claimed invention.

As mentioned above, the Examiner alleges that Freedman discloses that the server transmits *image specifying data and all other parameters and other information to the second client computer* (e.g., see Freedman at column 10, lines 27-35). The Examiner alleges that storing this information of Freedman as taught by Hartman would arrive at the claimed invention.

However, Freedman and Hartman, either alone or in combination, do not disclose, suggest, or even mention that any of the parameters or information (whether in disclosed by Freedman or stored by Hartman) includes "which of the plurality of second client computers is affiliated with the first client computer of the orderer", as claimed in claim 1 (emphasis added).

That is, the identity data and/or a replica of the receipt (e.g., specifying data, prices), which the Examiner cites in Freedman, clearly are not comparable to an affiliation between the first client computer and one of the second client computers of

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a plurality of second client computers, as claimed, nor has the Examiner explained *how* or *why* such would be the case.

For example, Freedman merely discloses that a requestor is “provided with information regarding the various job costs, timing, etc. and is given the opportunity to select a particular printing facility, a particular machine, or mix of machines for production of a job” (e.g., see Freedman at column 10, lines 19-24).

Alternatively, in Freedman, “the requestor may permit the system to select a particular printing facility or printing equipment for production of the job” (e.g., see Freedman at column 10, lines 24-26).

However, Freedman does not disclose, suggest, or even mention any kind of affiliation between a first client computer and one of a plurality of second client computers, as claimed.

On the other hand, Hartman merely discloses that:

The server system receives purchaser information including identification of the purchaser, payment information, and shipment information from the client system. The server system then assigns a client identifier to the client system and associates the assigned client identifier with the received purchaser information. The server system sends to the client system the assigned client identifier and an HTML document identifying the item and including an order button (e.g. see Hartman at Abstract).

In other words, in Hartman, the client system is determined by the data transmitted from the same client system.

Thus, in Hartman, there also is no affiliation between a first client system and one of a plurality of second client systems.

For at least the foregoing reasons, Applicant respectfully submits that neither Freedman nor Hartman, either alone or in combination, would have disclosed or suggested all of the features of the claimed invention.

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Applicant submits that claims 2-7, 11-14, 16, 17, and 19-24 also are patentable over Freedman and Hartman, either alone or in combination, for somewhat similar reasons as those set forth above, as well as for the additional features recited therein.

**B. Claims 8-10:**

Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Freedman in view of Hartman and further in view of Greulich.

For somewhat similar reasons as those set forth above, Applicant respectfully submits that Greulich also does not disclose or suggest at least “a memory for storing correspondence data in advance, the correspondence data representing which of the plurality of second client computers is affiliated with the first client computer of the orderer; ... a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit; and a second transmitting unit for transmitting the image specifying data and the orderer specifying data, which has been received by said first receiving unit, to one of said plurality of second client computers that has been determined by said determination unit to be affiliated with the orderer specified by the orderer data received by said first receiving unit”, as recited in independent claim 1 (emphasis added).

Therefore, Greulich does not (and cannot) make up for the deficiencies of Freedman and Hartman.

Indeed, Greulich is not even relied upon for such features.

Thus, Applicant respectfully submits that claims 8-10 also are allowable over the cited references by virtue of their dependency from independent claim 1, as well as for the additional features recited therein.

For the foregoing reasons, Applicant submits that there are elements of the claimed invention that are not disclosed or suggested by Freedman, Hartman, and Greulich, alone or in combination.



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Accordingly, Applicant respectfully requests that the Examiner withdraw these rejections and permit these claims to pass to allowance.

### III. FORMAL MATTERS AND CONCLUSION

Applicant respectfully requests that the Examiner acknowledge receipt of and accept the replacement drawings filed on April 23, 2004, by checking the appropriate boxes on the Office Action Summary.

As an aside, Applicant respectfully notes that the Office Action Summary did not list claims 22-24, however, these claims were included in the rejection based on Freedman and Hartman.

In view of the foregoing, Applicant submits that claims 1-14, 16, 17, and 19-24, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.


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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: September 17, 2004

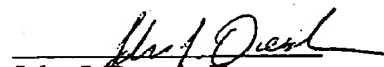
  
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**CERTIFICATE OF TRANSMISSION**

I certify that I transmitted via facsimile to (703) 872-9306 the enclosed Amendment under 37 C.F.R. § 1.116 to Examiner Calvin L. Hewitt II on September 17, 2004.

  
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